

### REMARKS

This application has been reviewed in light of the Office Action dated January 27, 2005. Claims 1-103 are presented for examination. Claims 1 and 65 have been amended solely to correct a typographical error in each. Claims 1, 23, 33, 55, 65 and 83 are in independent form. Favorable reconsideration is requested.

Claims 1-103 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application Publication 2001/0056374 (Joao). This rejection is respectfully traversed.

As recited in independent claim 1, the present invention relates to a server on a network. The server receives from a first participant a formulation of a problem, and receives from a plurality of other participants suggested solutions to the problem. In accordance with a salient aspect of the claim 1 invention, before it is determined that the problem has been solved, a portion of the award is distributed to at least one participant who contributed a suggested solution to the problem. This novel technique provides incentives to participants to suggest intermediate solutions that advance the problem towards a final one.

Independent claim 23 relates to a terminal on a network. Independent claim 33 relates to a system for facilitating problem solving. Independent claim 55 relates to an apparatus for facilitating problem solving on a network, and is drafted in means plus function form. Independent claim 65 relates to a method for facilitating problem solving over a network, and is drafted in term of steps carried out by a server. Independent claim 83 relates to computer code executable by a microprocessor for facilitating problem solving on a network. Each of those claims recites the salient features discussed above

with respect to claim 1, namely the posting of a problem, the receipt of suggested solutions and the distribution of a portion of the award, before it has been determined that the problem has been solved, to at least one participant who contributed a suggested solution.

The general nature and purpose of the present invention has been discussed in previous papers. Nonetheless, a portion of that discussion is repeated below for the sake of clarity.

It has become fairly well-known to utilize the Internet for problem solving applications. In a conventional arrangements, a user having a question posts it on a Web site, where it may be viewed by other users, who then provide answers in response. To provide incentives to users to submit answers, it is known to offer an award, such as a monetary award, to the user who provides the final and correct one.

While generally satisfactory for some intended purposes, the existing schemes suffer drawbacks, stemming from the fact that they do not give an award to a user providing an answer until the answer is considered to be complete. This approach undervalues the importance of intermediate answers, which while not providing the actual and final solution, may very often give some direction towards the final solution, and which therefore constitute an important, and in many cases crucial, part of the problem solving process. Despite the importance of such intermediate answers, however, the conventional techniques provide insufficient incentives to users to submit them.

The present invention overcomes this drawback by distributing a portion of a total award before it has been determined that the problem has been solved, to at least one participant who contributed a suggested solution. By using this approach, a participant who, for example, does not know the ultimate solution to the problem, but does have a

partial solution, or an idea for moving towards a solution, is given a sufficient incentive to provide it.

*Joao* relates to a system in which a person is given an opportunity to participate in a survey or questionnaire or the like, in exchange for which the participant is given something of value, whether a gift or a reduction in price on some product or service. The person's participation can be monitored to permit a determination of its value, so that what the person receives in exchange is proportional to the time spent, or answers provided, in responding to the survey or questionnaire.

The Office Action concedes frankly that *Joao* does not teach or suggest a server being "configured to distribute a portion of the award, before it has been determined that the problem has been solved, to at least one participant who contributed a suggested solution to the problem", as recited in claim 1 and the other independent claims. The Office Action asserts, however, that it would have been obvious to modify *Joao* to meet this recitation. Applicant does not agree.

The Examiner proffers the following in support of his view: first, that the proposed modification of *Joao* "would have provided '*compensation to individuals ... who ... participate in and/or interact with, surveys, pools, questionnaires, and/or other information gathering efforts and/or activities....* [emphasis added]"; and that this modification would have been motivated by a desire "to '*secure the attention of the ... audience ....* ' [emphasis added]". Granting that the portion of *Joao* specifically cited by the Examiner in this regard (paragraphs [0002] and [0004]) speaks of a desire to secure the attention of the audience, by which is presumably meant those persons who might be interested in participation in the survey or the like, the most that can be deduced from that starting point would be a possible

desire to find more ways to secure the attention of the audience. Nothing in the cited portion of *Joao* is seen to provide any suggestion as to any specific way to secure their attention. The remainder of *Joao* is directed to disclosing a way of securing that attention, namely, offering payment or some other compensation or reward for participation. Nonetheless, it cannot truly be said that anything in *Joao* would actually provide even a hint in the direction of distributing a portion of an award to a participant who has contributed a suggested solution to a problem.

*Joao* does present any number of ways to do what he is concerned with, that is, providing some form of reward to people for answering a questionnaire or the like. For example, *Joao* can provide compensation-based advertising to one or to several parties, and the reward obtained can be used in connection with a transaction between that party and either the proprietor of the questionnaire or a third party (*Joao*, paragraph [0009]). Again, the reward can permit the recipient to obtain some specified goods or services, at a lower purchase price or at a reduced lease price, either at present or at some time in the future (see paragraphs [0010] and [0011]). *Joao* also suggests that the reward may be transferrable to a third party (paragraph [0013]). Moreover, *Joao* contemplates offering the reward either before the prospective user has decided to buy the goods or services on which a price reduction (for example) is offered, or subsequent to the decision to buy (paragraph [0038]). Indeed, paragraphs [0007] through at least [0051] provide a large number of variant approaches contemplated by *Joao*. Despite this wealth of techniques, however, not a word in *Joao* is believed to provide even a hint at distributing a *portion* of a reward, as is recited in the independent claims.

If the difference between *Joao* and the claims recognized in the Office Action were the only one, therefore, Applicant strongly believes that that difference would suffice to

show clearly that the claims are allowable over that document. In fact, however, Applicant strongly believes that other differences exist as well, and underline still more the patentability of what Applicant is claiming.

According to each of the present independent claims, there is proposed a “problem to be solved”, i.e., a scenario for which the proposer has either no solution or at least not a fully satisfactory one. In a questionnaire or poll, in contrast, the proponent thereof will only ask for the subjective opinion of the respondent. Such subjective opinion, of course, is not *per se* either right or wrong, whereas a proposed solution to a problem either objectively is a solution or objectively is not. Moreover, the subjective answer to a poll or the like is a one-step event typically provided by checking a box, whereas providing the solution to a problem is typically more elaborate, and typically requires both some thought to formulate and on average, more-significant effort and time to submit.

Besides elaborating on the different aim of the present invention as compared with *Joao*, the foregoing discussion highlights an additional important point: because the provision of an answer to a typical poll question is a one-step event such as checking a box, there is no such thing as providing a partial answer. Thus, because of the aim of *Joao*, that document cannot provide motivation to a person of merely ordinary skill to subdivide the reward into parts to be distributed in return for the submission of partial answers.

The present invention, in stark contrast, specifically contemplates distributing a portion of the award before it is determined that the problem has been fully solved, to at least one participant who contributed a suggested solution. By distributing a portion of the award in this fashion, the present invention provides a concrete incentive to submit an intermediate solution.

For all these reasons, it is believed plain that the independent claims herein are each allowable over *Joao*.

The remaining claims all depend from one of the independent claims discussed above, and each partakes in the novelty and non-obviousness of its respective base claim. In addition, each recites additional patentable features of the present invention, and individual reconsideration of each is respectfully requested.

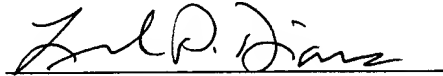
For example, claim 3, dependent from claim 1, adds the recitation that the portions of the aware “are varied over the course of a development of the suggested solutions for the purpose of guiding the development of a final solution to the problem.” In view of the foregoing discussion of *Joao*, it is believed to be clear that nothing in that document would have led one of ordinary skill to this feature, which thus independently supports the patentability of that claim, and of the other claims contains a similar recitation.

### CONCLUSION

In view of the foregoing, Applicant respectfully requests passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100 or by facsimile at (212) 218-2200. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Leonard P. Diana", is written over a horizontal line.

Leonard P. Diana  
Attorney for Applicant  
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

NY\_MAIN 500864v1